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16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20 LANCE BOLAND, an individual;
21 MARIO SANTELLAN, an individual;
22 RENO MAY, an individual; JEROME
23 SCHAMMEL, an individual;
24 CALIFORNIA RIFLE & PISTOL
25 ASSOCIATION, INCORPORATED, a
26 California corporation,

27 Plaintiffs,

28 v.

ROBERT BONTA, in his official capacity
as Attorney General of the State of
California; and DOES 1-10,

Defendants.

CASE NO.: 8:22-cv-01421-CJC(ADSx)
**JOINT FED. R. CIV. P. 26(f)
REPORT**

Under Federal Rule of Civil Procedure 26(f), the Parties submit the following Joint Rule 26(f) Report after the conference of counsel held on November 22, 2022:

I. Rule 26(f) Conference and Statement of the Case

The Parties' counsel met and conferred on November 22, 2022. In attendance for Plaintiffs was Joshua Robert Dale, Konstadinos T. Moros, and Alexander A. Frank. In attendance for Defendant was Robert Meyerhoff.

Plaintiffs' Statement of the Case:

Plaintiffs' lawsuit is a Second Amendment-based challenge to nearly all of the statutes that constitute California's Unsafe Handgun Act, California Penal Code sections 31900 – 32110. The UHA imposes numerous requirements on handguns that effectively prohibit Californians from buying in the retail market all semiautomatic centerfire handguns introduced to the broader national handgun marketplace since May 2013. Plaintiffs allege that under the Second Amendment, as interpreted in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *New York State Rifle & Pistol Assn. v. Bruen*, 597 US ___, 142 S. Ct. 2111 (2022), the UHA is unconstitutional.

Defendant's Statement of the Case:

Plaintiffs' lawsuit is a Second Amendment challenge to certain provisions of the California's Unsafe Handgun Act ("UHA"). The UHA is constitutional under the test set forth in *New York State Rifle & Pistol Assn. v. Bruen*, 597 US ___, 142 S. Ct. 2111 (2022).

II. Joint Rule 26(f) Report and Discovery Plan

A. Changes to the timing, form, or requirement to exchange initial disclosures.

Plaintiff's Position: No proposed changes.

Defendant's Position: Defendant requests that the deadline for initial disclosure be extended to January 9, 2023, as lead counsel for Defendant began taking parental leave on November 29, 2022, the case will be transitioned to another attorney, and Defendant is currently briefing its response to Plaintiffs' motion for a preliminary injunction.

1 **B. Potential formats of discovery sought by all parties.**

2 Plaintiff's Position: Plaintiff believes that this case is not a fact-discovery intensive
 3 matter and is essentially a constitutional law controversy that turns on legal findings and
 4 not factual findings. Plaintiff does not intend to take party depositions or propound
 5 extensive fact and document discovery. Plaintiff believes that expert witness deposition
 6 and report discovery is likely the only discovery procedure parties will use.

7 Defendant's Position: Defendant believes that this case will involve significant
 8 expert discovery involving time-intensive historical research of primary and secondary
 9 sources. Defendant also intends to take fact discovery from Plaintiffs in this case, which
 10 may include written discovery and depositions.

11 **C. Estimated Discovery Completion Deadline.**

12 Plaintiff's Proposal: Discovery should be complete by July 3, 2023. Plaintiff
 13 proposes the following deadlines for discovery, trial, and pretrial proceedings:

Exchange of Initial Disclosures:	December 6, 2022
Plaintiff's expert disclosure deadline:	February 15, 2022
Defendant's expert disclosure deadline:	March 1, 2022
Rebuttal expert disclosure deadline:	April 3, 2022
Fact discovery deadline:	May 5, 2022
Expert discovery deadline:	July 3, 2022
Dispositive motion deadline:	TBD by the Court
Pretrial conference:	TBD by the Court
Trial:	TBD by the Court

23 Plaintiffs propose July 3, 2022 as the cut-off for all discovery because Plaintiffs
 24 believe that a shorter discovery period is justified given that there will be little-to-no fact
 25 discovery in this case. Furthermore, after the hearing on Plaintiffs' motion for
 26 preliminary injunction in January, parties will have a clear idea of what discovery, if any,
 27 is needed and believe that discovery should be immediately pursued so that a resolution
 28 of this matter can be reached without unnecessary delay.

1 Defendant's Proposal: Discovery should be complete by October 9, 2023. A
 2 schedule longer than that proposed by Plaintiffs is particularly appropriate in this case.
 3 As noted above, lead counsel began paternity leave on November 29, 2022. In addition,
 4 Plaintiffs' Motion for Preliminary Injunction is currently set for hearing on January 23,
 5 2023. Defendant's newly assigned counsel is currently briefing the opposition to that
 6 motion and will need to prepare for the hearing. The Court's resolution of that motion,
 7 moreover, may inform and affect the parties' plans for discovery. Defendant therefore
 8 proposes the following deadlines for discovery, trial, and pretrial proceedings:

9 Exchange of Initial Disclosures:	January 9, 2022
10 Plaintiffs' expert disclosure deadline:	May 10, 2023
11 Defendant's expert disclosure deadline:	May 24, 2023
12 Rebuttal expert disclosure deadline:	June 27, 2023
13 Fact discovery deadline:	August 3, 2023
14 Expert discovery deadline:	October 9, 2023
15 Dispositive motion deadline:	December 18, 2023
16 Pretrial conference:	At the court's discretion
17 Trial:	At the court's discretion

18 **D. Whether discovery should be conducted in phases or limited to
 19 particular issues.**

20 Plaintiff's position: Discovery does not need to be conducted in phases or limited
 21 to particular issues. Plaintiff does not foresee any risks that counsel in favor of needing to
 22 do so.

23 Defendant's Position: Defendant agrees with Plaintiffs' position.

24 **E. Any issues about the discovery of electronic information including how
 25 the electronic information should be produced.**

26 Plaintiff's Position: Given the anticipated discovery, including the anticipated lack
 27 of any electronic discovery, Plaintiff's propose that all reports and other documents be
 28 produced in searchable (OCR) Portable Document Format (.PDF) files.

1 Defendant's Position: Defendant agrees with Plaintiffs' position, to the extent that
2 a particular document type, layout, and format can reasonably be produced as an OCR
3 .PDF file.

4 **F. Issues related to claims of privilege or protection of trial-preparation
5 materials.**

6 Plaintiff's Position: Default safeguards and procedures under the Federal Rules of
7 Civil Procedure and Local Rules are sufficient to address any privilege issues.

8 Defendant's Position: Defendant agrees with Plaintiff's position.

9 **G. Potential changes to the limitations on discovery required under the
10 Federal Rules of Civil Procedure or the Local Rules.**

11 Plaintiff's Position: Changes to the limitations on discovery under the federal or
12 local rules are not necessary.

13 Defendant's Position: Defendant agrees with Plaintiff's position.

14 **H. Other orders the court should issue under the Federal Rules of Civil
15 Procedure.**

16 Plaintiff's Position: None.

17 Defendant's Position: None.

18 **I. Choice of settlement procedure.**

19 Plaintiff's Position: Plaintiffs do not believe this case can be settled. This is a
20 constitutional law case is not about damages but about injunctive relief involving
21 Plaintiffs' civil rights.

22 Defendant's Position: Defendant does not think this case can be settled, given the
23 nature of Plaintiffs' claims and they relief they seek.

24 **J. Additional issues under Local Rule 26-1.**

25 **i. Complexity of Case.**

26 Plaintiff's Position: This is not a complex case.

27 Defendant's Position: None.

1 **ii. Motion Schedule.**

2 Plaintiff's Position: Plaintiff

3 Defendant's Position: Defendant believes that the dispositive motion deadline
4 should be set for December 18, 2023.

5 **iii. ADR.**

6 Plaintiff's Position: ADR is not needed in this matter because this is a
7 constitutional case that involves legal determinations. However, if required to participate,
8 Plaintiffs would select procedure ADR procedure No. 1.

9 Defendant's Position: Defendant does not think that ADR is likely to be beneficial
10 in this case. If ADR is mandated, Defendant would prefer ADR option 1 (i.e., a
11 settlement conference with the district judge or magistrate judge assigned to the case).

12 **iv. Trial Estimate.**

13 Plaintiff's Position: 3 days.

14 Defendant's Position: 5 days.

15 **v. Additional Parties.**

16 Plaintiff's Position: One potential plaintiff may sought to be added within the next
17 30 days. The potential plaintiff suffers from disabilities that make use of a Roster firearm
18 difficult for adequate self defense.

19 Defendant's Position: Defendant does not intend to seek to add any additional
20 parties to the case.

21 **vi. Expert Witnesses.**

22 Plaintiff's Position: Plaintiffs will designate expert rebuttal witnesses if the need to
23 do so arises.

24 Defendant's Position: Plaintiffs' expert disclosure deadline should be May 10,
25 2023, Defendant's expert disclosure deadline should be May 24, 2023, and the rebuttal
26 expert disclosure deadline for all parties should be June 27, 2023.

1 Respectfully submitted,

2 Dated: November 30, 2022

3 MICHEL & ASSOCIATES, P.C.

4 /s/C.D. Michel
5 C.D. Michel

6 *Attorneys for Plaintiffs Lance Boland,
7 Mario Santellan, Reno May, Jerome
8 Schammel, and California Rifle &
Pistol Association, Incorporated*

9 Dated: November 30, 2022

10 Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 MARK BECKINGTON
14 Supervising Deputy Attorney General

15 /s/Gabrielle D. Boutin
16 Gabrielle D. Boutin
17 Deputy Attorney General

18 *Attorneys for Defendant Rob Bonta
19 in his Official Capacity as Attorney
General of the State of California*

20 **ATTESTATION**

21 Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed,
22 and on whose behalf the filing is submitted, concur in the filing's content and have
23 authorized the filing.

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

JOINT FED. R. CIV. P. 26(f) REPORT

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General

robert.meyerhoff@doj.ca.gov

300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 30, 2022.

Christina Castron
Christina Castron